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## ABSTRACTS AND KEYWORDS

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### **ON THE QUESTION OF PROSPECTS FOR A MODERN INTERPRETATION OF NATURAL LAW: THE LEGAL PHILOSOPHICAL AND THEOLOGICAL ASPECTS**

**Keywords:** philosophy, philosophy of law, theology, legal values, sovereignty, standards, state, law.

#### **Abstract.**

Purpose of the work: determining the goal and tasks of modern interpretation of natural law.

Methods used: dialectics and scientific methods of cognition developed based on it.

Results obtained: a legal philosophical and historical philosophical analysis of formation and development of the natural law paradigm of legal thought with its transformation into the social contract paradigm (philosophy of the New Time) and the absolute individual freedom paradigm (classical German philosophy) makes it possible to work out an outline of the sovereign philosophy of Russian law which, on the one hand, could preserve the most valuable content of the classical doctrines of the European and Russian philosophy of law and, on the other hand, considering the possibilities of a theological interpretation of legal philosophical knowledge, would be capable of a discursive explication of value foundations of the legal culture and legal life of peoples of Russia.

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## **PROPORTIONALITY AS AN INDEPENDENT CONSTITUTIONAL PRINCIPLE OF THE RUSSIAN FEDERATION**

**Keywords:** constitutional principle, proportionality, necessity, suitability, balance of constitutionally protected values, deconstruction.

### **Abstract.**

Purpose of the work: analysing and identifying the features of proportionality as an independent constitutional principle of law, setting up a matrix of the proportionality elements ensuring the conditions for implementing constitutional proportionality.

Methods of study: the scientific doctrinal, legal dogmatic, comparative legal, and hermeneutic methods.

Results of study: it was established that the proportionality principle is independent, it is one of the basic legal foundations regulating constitutional legal relations which possess a high degree of legal abstraction whose content is a procedural model of using the conditions and criteria for achieving justice the implementation of which is of prudential nature in relation to ensuring the balance of constitutionally protected values.

The execution of the procedural model becomes not only a fact of law enforcement of the proportionality principle but is a condition for its implementation. This is the fundamental difference between the content of the proportionality principle and other constitutional law principles. Considering constitutional proportionality as an independent phenomenon of legal reality, the proportionality principle acquires its content exclusively in the process of its implementation. The latter presumes a consistent observance of the conditions and criteria presented in the said proportionality matrix.

The categories, features and conditions for ensuring the balance of constitutionally protected values were brought together in a comprehensive matrix demonstrating the operation of the constitutional proportionality principle as such.

The author's model of the proportionality matrix presented in the paper allows to ensure a balance between the material and procedural principles, the competence of the public agency and judicial control (oversight), epistemological uncertainty and explicit provisions of the Constitution.

The proportionality principle detects the adequacy of the ways and boundaries of implementing rights and legitimate interests, affects the definition of direct forms and procedures, tools and mechanisms of law-making and law enforcement.

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## **IMPLEMENTATION OF THE “REGULATORY GUILLOTINE” AT THE REGIONAL AND MUNICIPAL LEVEL**

**Keywords:** control and oversight activities, mandatory requirements, “regulatory guillotine”, establishment of mandatory requirements, assessment of application of mandatory requirements, validity of mandatory requirements, assessment of regulatory impact, assessment of actual impact.

### **Abstract.**

Purpose of the paper: analysing the introduction and implementation of the “regulatory guillotine” mechanisms at the regional and municipal levels considering the importance of improving control and oversight activities and this law-making technology.

Methods of study: the study was carried out using the formal legal, comparative legal and system methods.

Results of study: the author showed significant shortcomings in the legal model of the “regulatory guillotine” at the regional and municipal level in the Federal Law “On Mandatory Requirements in the Russian Federation” and other federal laws as well as in the practice of its introduction and application in subjects of the Russian Federation and municipal formations. Proposals for improving the federal laws with a view to reduce the differentiation of regional and municipal legal regulation, its synchronisation and unification with federal regulation of the establishment and assessment of application of mandatory requirements as well as for the methodological support for such work are formulated in the paper.

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## **SATISFACTION OF OBLIGATIONS TO THE SOLE CREDITOR BY A THIRD PARTY AFTER INTRODUCING THE INSOLVENCY SUPERVISION REGIME**

**Keywords:** insolvency (bankruptcy), insolvency supervision regime, priority and proportionality of satisfaction of claims, sole creditor, acting in good faith, Supreme Court of the Russian Federation, court practice.

### **Abstract.**

Purpose of the work: assessing problems of satisfying the debtor's obligations to the sole creditor by a third party considering the legal stances of supreme court instances, general legal and private law principles, and identifying conceptual problems in using the said approach in cases of legal entities' insolvency (bankruptcy) involving a sole creditor.

Methods of study: the methodological basis of the study was the universal dialectical method of cognition as well as the general and specific research methods based on it and the formal logical method.

Results of study. An analysis of commercial court law enforcement practice in insolvency (bankruptcy) proceedings regarding a refusal to recognise satisfying the debtor's obligations by third parties as being proper after introducing the first bankruptcy proceeding, i. e. insolvency supervision, is of primary importance in achieving the purpose of the work.

The main tendencies in applying Paragraph 28 of the of the Supreme Court Law Review on the inadmissibility of repaying debts by third persons after introducing the first bankruptcy proceeding without taking into account the number of creditors in the bankruptcy case are considered in the work. The authors identified significant conceptual flaws of applying the said provisions in cases involving a sole creditor, the debtor's obligations to whom are satisfied in full by a third party.

In the first part of the paper, general provisions concerning repaying a debt by a third person in case of insolvency of the debtor being a legal entity as well as prerequisites for forming a legal approach of inadmissibility of such repayment in the course of the first bankruptcy proceeding are identified.

In the second part of the paper, the essence of the said approach in commercial court practice concerning satisfying the debtor's obligations to the sole creditor by a third party, the reasons for refusals by the courts to recognise such satisfaction as being proper as well as the legal consequences of the said refusal are determined.

In the final part of the paper, the authors give special attention to the legal justification of inadmissibility of a refusal to satisfy an application for terminating the insolvency proceedings if all of the sole creditor's claims are satisfied in full.

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## **PROSPECTS FOR AND LEGAL PROBLEMS OF MICROGENERATION DEVELOPMENT IN RUSSIA**

**Keywords:** distributed energy, microgrid, Internet of Energy, smart energy, blockchain, purchase and sale contract for electric power, power grid connection, electricity market, smart city.

### **Abstract.**

Purpose of the work: analysing the current laws in the field of microgeneration, studying the foreign experience in microgrid development, including based on blockchain as well as determining the potential for development of microgeneration in the Russian Federation and the changes to be made for this in the current laws.

Method of study: general scientific and special methods of cognition are used in the work. Methods of logical analysis, analysis of laws, research and business literature, comparative analysis, systematisation, generalisation, and system approach were used to achieve the goals set in the work.

Results of study: distributed microgeneration has a fairly high potential for development in Russia, primarily in territories that are not part of the Unified Power System of Russia as well as in remote rural settlements. The necessary regulatory framework for the development of microgeneration was formed only in 2021. At the same time, the analysis carried out made it possible to identify the shortcomings of the existing legal regulation which would hinder the development of microgeneration in the Russian Federation. The most promising technology for eliminating these shortcomings as well as increasing the transparency, reliability and quality of electricity exchange while at the same time bringing down the costs of the exchange is blockchain. However, implementing projects in this field will require amendments to the legislation on electric power industry (as regards establishing the legal status, procedure for microgrid functioning and interaction with the existing power system of Russia), civil legislation and legislation on financial markets (as regards determining the status of NFT tokens for trading volumes of energy and the possibilities of using tokens as a means of payment for energy consumed in microgrids).

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**LAWS ON CLIMATE  
UNDER THE CONDITIONS OF ENERGY TRANSITION  
TO LOW-CARBON ECONOMY**

**Keywords:** climate agenda, climate law, corporate governance, energy law, green energy.

**Abstract.**

Purpose of the work: analysing modern international treaties (conventions) and domestic laws in the field of energy and climate changes with a view to identify the patterns of formation and features of this sphere of legal regulation.

Method of study: using system analysis of the current laws and legal doctrines in combination with comparative legal analysis of the sphere of legal regulation under study including Russian and foreign legislation as well as instruments of international law.

Results of study: the author came to the conclusion that under the influence of global megatrends related to changes in the world around us, transformation of the economy and technological development under the conditions of combating the global pandemic, the climate agenda came to the forefront in international relations and is accompanied by active law-making in many countries of the world. National strategies and new tendencies in management models stimulate implementing low-carbon technologies and reducing the emission of greenhouse gases as well as developing technologies based on renewable energy sources. A system of international legal instruments and domestic laws in the field of global protection of the planet's climate and regulating the negative impact of anthropogenic factors in the activities of countries and corporations is being created. A new area of legal regulation, the climate law, is created which, in the author's opinion, forms a new vector of competitive relations with the participation of countries, private corporations and other participants in the global transition from traditional energy to energy from renewable sources.

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## **ORGANISATION OF LEGAL AWARENESS RAISING IN THE SUBJECTS OF THE RUSSIAN FEDERATION**

**Keywords:** monitoring, regulation, awareness raising, subjects of awareness raising, bodies of the Ministry of Justice, subjects of the Russian Federation.

### **Abstract.**

Purpose of the work: studying the main questions of legal regulation of the organisation and implementation of legal awareness raising in the subjects of the Russian Federation.

Method of study: comparative analysis of current laws and legal doctrines combined with comparative legal analysis of the field of legal regulation under study.

Results obtained: an assessment of regional legal regulations on the organisation of legal awareness raising is presented, the main subjects of the organisation and implementation of legal awareness raising in Russia's regions are identified, a classification of types of legal awareness raising is given. The main shortcomings of legal regulation of legal awareness raising in the subjects of the Russian Federation are identified and measures to remedy them are put forward. The organisation and implementation of legal awareness raising in the subjects of the Russian Federation are regulated by numerous regulations of different legal force covering various aspects of legal regulation of the activities of public administration bodies: it is not enough to have special regulations covering only the organisation and implementation of legal awareness raising. It is recommended that the subjects of the Russian Federation should more widely use the practice of adopting special laws regulating the questions of legal awareness raising as well as regional programmes (plans) for implementing these laws. The regional bodies of the Ministry of Justice or other agencies granted powers to monitor the organisation and implementation of legal awareness raising should be charged with controlling the administration of laws on legal awareness raising.

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**CERTAIN FEATURES  
CHARACTERISING CORRUPTION CRIME IN URBAN AREAS  
(USING DATA FROM THE REPUBLIC OF TATARSTAN)**

**Keywords:** corruption, corruption crimes, criminological characteristics of crimes, crime indicators, urban area, urban agglomeration.

**Abstract.**

Purpose of the work: analysing individual indicators (state, dynamics and proportion) of corruption crime registered in the territory of urban areas of the Republic of Tatarstan characterising the corruptogenicity of these population settlement systems.

Methods of study: logical, system structure, mathematical and statistical methods.

Results of study: a criminological analysis of certain indicators (features) of registered corruption crime in urban areas of the Republic of Tatarstan for the period of 2018 to 2020 made it possible to draw a number of conclusions. First, the results of the study indicate an increased corruptogenicity of urban areas. Second, a correlation between the size and development level of these population settlement systems and corruption crime level there is determined. Third, the vast majority of registered corruption offences in the territories are concentrated in urban areas which indicates a need to study the determination and features of criminal manifestations of corruption in this regional aspect. Fourth, it is necessary to develop efficient measures for combating corruption crimes in the considered territories which significantly worsen the criminal situation in Russia at large and its individual regions.

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**SIGNIFICANCE OF EVIDENCE  
IN THE THEORY OF CRIMINAL PROCEDURE PROOF:  
PROBLEMS AND WAYS TO SOLVE THEM**

**Keywords:** evidentiary law, admissibility of evidence, witness testimony, expert opinion, initiation of a criminal case, preliminary investigation, internal conviction, discretion of the law enforcement officer.

**Abstract.**

Purpose of the work: examining the most problematic aspects of the concept of evidence in the theory of criminal procedure proof in the modern domestic criminal proceedings.

Methods of study: modern dialectical methods of studying the state and legal reality. Among these methods, analysis, synthesis, retrospective analysis, and comparative legal method can be highlighted.

Results of study: the conclusion about the important role evidence and proof play in resolving a criminal case on the merits as well as the need to revise approaches in determining the concept and properties of evidence was set forth. The modern institution of evidence needs further theoretical comprehension considering the constantly changing state and legal reality. However, whatever procedural forms evidence may take in criminal proceedings their main purpose should remain the establishment of essential circumstances of the criminal case in order to convict the person who committed the offence, fairly resolve the case on the merits and protect the individual from unjustified and unlawful accusations and violations of human and civil rights and freedoms.

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**PROPOSALS FOR IMPROVING THE SYSTEM  
OF APPLYING DIGITAL TECHNOLOGIES  
IN LAW-MAKING AND LAW ENFORCEMENT PROCESSES**

**Keywords:** digital transformation, public authority system, digital technologies, information security, machine-readable law technologies, law-making activities, legal information, digital platform, legal information resource.

**Abstract.**

Purpose of the paper: developing approaches for justifying a need for setting up a national legal information system including a single digital platform being a part of it.

Methods of study: comparative legal analysis of the current domestic and foreign laws, strategic documents and agreements concerning the domestic and foreign experience of setting up and operating legal information systems.

Results obtained. Proposals for improving the laws of the Russian Federation in the field of legal information are presented. Questions of impact of digital technologies which not only exert their influence on law but also have direct reflections in law-making and law enforcement processes are considered. The impact of transformation manifests itself under the conditions of the world crisis and COVID-19 pandemic realia, so topical questions of legal support for strategic national priorities in the development of information society in Russia and digital transformation are touched upon. A justification is given for a need for setting up a national legal information system including a single digital platform being a part of it. Studying this topic, the author came to the conclusion that a potential for future application of machine-readable law technologies in real law-making and law enforcement processes has been created in Russia.

Priority lines of using efficient solutions in domestic practice and interacting with foreign legal information systems are identified.

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**REVIEW OF THE MONOGRAPH BY SERGEI ZAKHARTSEV  
“LAW: NEW IDEAS AND READINGS”**

**Abstract.**

We are among those scholars who devoted their life to studying the theory and philosophy of law. Of course, we know the works of our fellow scholars and keep track of their new publications and ideas.

At the same time there are not so many new works. That is why we were genuinely pleased when still another monograph by S. Zakhartsev entitled “Law: New Ideas and Readings” [5] was published in 2021, all the more so since the esteemed author is our long-time friend and co-author, and the development of many ideas set forth in the book was started by us jointly.

The review is dedicated to this book.

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**REPORT  
ON THE RESULTS OF LAW ENFORCEMENT MONITORING  
IN THE RUSSIAN FEDERATION  
FOR 2020**

**Keywords:** the Constitutional Court of the Russian Federation, the European Court of Human Rights, major overhaul of buildings, common property, cultural heritage, forests, child neglect, minors, socially endangered status, anti-competitive agreements, customs regulation, taxation, medical devices.

**Abstract.** This publication is to ensure the public policy based on the principle of openness and accessibility of legal information. The report presents a generalisation of information on the state of legislation and its practical use in various spheres of life and areas of activity, which allows to understand the tendencies of development and to take into account the opinions of all participants in social relations. Law enforcement monitoring is an important activity for today's Russia which allows to ensure improving the legislation.

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